

Remarks and Arguments

Applicant has canceled prior claims 1-27 and submits new claims 28-75.

Applicant also provides formal drawings.

Applicant submits that the new claims satisfy all of the objections raised in the priority applications, and are patentable over the prior art of record in the priority applications (including the art cited in the International Preliminary Examination Report).

There is now a single independent method claim 28 which defines a heat treatment step (referred to as a "solid-stating" step) with respect to various process parameters. Claims 45-68 are directed to a package comprising a wall having therein an oxygen-scavenging composition produced by the method of claim 1. Claims 69-75 define a package comprising a multi-layer wall with at least the oxygen-scavenging inner layer including a composition produced by the method of claim 1.

It is submitted that the amended claims are fully supported by the disclosures of the original application and do not introduce new matter. The original specification discloses a solid-stating process which requires the polymer to have a repeat unit including a carbonyl group (e.g., this is disclosed at page 7, lines 11-13). The majority of the dependent claims are supported by the original dependent claims. In addition, at least the following portions of the original specification support the new claims:

CLAIM	SUPPORT IN WO99/38914
28	p. 7, l. 10-13; p 14, l. 21-25; p. 17, l. 16-17
29	p. 15, l. 5-6
30-31	p. 15, l. 16-17
32-33	p. 14, l. 29-30; p. 15, l., 17-20
34	p. 15, l. 22
35	p. 15, l. 24-30
36	p. 23, l. 28 to p. 25, l. 7
37-39	p. 19, l. 5-9
40	p. 18, l. 9
41	p. 18, l. 11-13

Amendments to the Drawings

The attached sheets of drawings include Figures 1-22. These sheets replace the original drawing sheets including Figures 1-22.

Attachment: replacement sheet(s)

42-43	p. 9, l. 22 to p. 10, l. 2; p. 18, l. 15-29
44	p. 10, l. 13
45	p. 13, l. 7-19; p. 39 l. 10-13
46	p. 5, l. 4
47-48	p. 58, l. 10
49	p. 30, l. 29
50	p. 61, l. 23
51	p. 19, l. 11-26
52	p. 19, l. 27-29
53	p. 34, l. 30-32
54-55	p. 8, l. 5
56-58	p. 34, l. 30-32
59	p. 27, l. 5
60	p. 25, l. 17
61	p. 25, l. 21
62-63	p. 4, l. 28
64	p. 27, l. 5
65-66	p. 28, l. 12
67-68	p. 30, l. 16-17
69	p. 7, l. 8-13; p. 14, l. 21-25; p. 15, l. 7-9; p. 6, l. 1; p. 5, l. 5-6
70	p. 6, l. 1
71	p. 34, l. 30-32
72	p. 15, l. 10; p. 18, l. 9
73	p. 34, l. 30-32
74	p. 34, l. 18-20
75	p. 28, l. 12

The term "MXD-6" was previously objected to. MXD-6 is a nylon well known to persons skilled in the art. See, for example, page 9 of EP-A-0301719 (reference D-3

from the International Search Report, same as U.S. Patent 5,021,515). MXD-6 is also described in the present specification on page 24.

With regard to patentability, it is submitted that the new claims are clearly patentable over the prior art of record. None of the prior art of record discloses the features of the heat-treatment step recited in claim 28. It is therefore submitted that claim 28 is not anticipated by the prior art. The same applies to claim 45 reciting a package incorporating an oxygen-scavenging composition formed from a polymer produced by the method of claim 28, and to claim 69 which correspondingly requires a polymer to have been heat treated in a manner required by claim 28.

With regard to nonobviousness, it is submitted that none of the prior art of record teaches or suggests the heat treatment process required by the present claims. As the examples illustrate, the inventors have discovered that use of a particular heat treatment step on a polymer having a repeat unit including a carbonyl group, at a particular elevated temperature and under a low oxygen atmosphere enhances the oxygen-scavenging capability when compared with a polymer not so heat treated. This is not taught or suggested in the prior art references.

With regard to the claims directed to a package, the inventors have discovered surprisingly that the heat treatment step provides the composition with an ability to remove dissolved oxygen from an aqueous liquid in a package at low oxygen concentrations — as little as 9000 ppb or less, and even 200 ppb or less. Again, this technical effect was surprising because it was not suggested by the prior art documents.

Applicant respectfully requests examination of the new claims and consideration of all of the prior art of record.

Respectfully submitted,

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